

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

NICHOLE WALKINSHAW, et al.,

Plaintiffs,

v.

**COMMONSPIRIT HEALTH f/k/a
CATHOLIC HEALTH INITIATIVES,
CHI NEBRASKA d/b/a CHI HEALTH,
and SAINT ELIZABETH REGIONAL
MEDICAL CENTER,**

Defendants.

Case No. 4:19-cv-03012-BCB-SMB

**STIPULATED MOTION TO EXTEND DEADLINE FOR FILING
MOTION FOR PRELIMINARY APPROVAL AND STAY OF LITIGATION**

Pursuant to Local Rules 7.3 and 29.1, the Parties, by and through their undersigned counsel, hereby move this Court to extend the deadline for the stay of litigation as set forth below. In support of this Motion, the Parties state as follows:

1. After a full day of mediation on April 11, 2022 before Magistrate Judge Cheryl Zwart, Plaintiffs and Defendants (collectively “the Parties”) reached an agreement in principle to resolve the case. Doc. # 306.

2. As set forth in the Parties’ Stipulated Motion to Extend Deadline for Filing Motion for Preliminary Approval filed on July 27, 2022, the Parties have been working diligently to finalize the settlement. This included that Defendants produced supplemental time and pay records that were called for by the Parties’ settlement term sheet on May 17, 2022; Plaintiffs provided an initial draft of a 31-page settlement agreement on May 30, 2022 and the Parties exchanged edits and comments in June and July 2022; and Plaintiffs provided drafts of a collective and class action settlement notice, a claim form, and Plaintiffs’ motion for preliminary

approval for settlement proposes and supporting brief and a draft proposed order for Defendants' review during the same period. Doc. # 312 at 1-2.

3. Because there remained several significant items regarding the draft settlement agreement that the Parties needed to resolve before they were in a position to finalize and execute a full settlement agreement, on July 27, 2022, the Parties sought an extension of the then-July 27, 2022 deadline for filing a motion for preliminary approval of the settlement and the stay of litigation to August 25, 2022. *Id.* at 2-3. The Court granted the stipulated motion and extended the deadline for filing the motion to August 25, 2022 and continued the litigation stay until the same date (if no settlement agreement is filed by that date) or until the Court issues a decision on the motion for preliminary approval. Doc. # 313.

4. Since that time, the Parties have continued to work diligently to finalize the settlement.

5. On August 4, 2022, Plaintiffs provided Defendants with further comments and responses regarding the outstanding items regarding the draft settlement agreement. The Parties further discussed these issues by phone on August 19, 2022.

6. The Parties have resolved some and narrowed many of the outstanding issues regarding the draft settlement agreement and are working to resolve the remaining ones. To ensure adequate time to do so, finalize and execute a full settlement agreement, and finalize all documents associated with Plaintiffs' motion for preliminary motion, the Parties agree that the current deadline for filing the motion and the current stay of litigation should be extended briefly—except for proceedings in connection with finalizing the settlement agreement and the Motion for Preliminary Approval—to September 21, 2022. This is made in good faith and not to cause undue delay.

7. Pursuant to Local Rule 7.2, a proposed order approving the requested extension of the deadline for filing a motion for preliminary approval and the litigation stay is being submitted to chambers via electronic mail.

WHEREFORE, the Parties respectfully move this Court for an order extending the deadline for filing a motion for preliminary approval and the litigation stay to September 21, 2022 (if no settlement agreement is filed by that date) or until the Court issues a decision on the motion for preliminary approval.

Pursuant to Local Rule 11.1(a)(3), Filer Vincent Cheng represents that all other signatories on whose behalf this filing is submitted consent on this content and filing.

Dated: August 24, 2022

Respectfully Submitted,

On Behalf of Plaintiffs:

On Behalf of Defendants:

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CERTIFICATE OF SERVICE

I, Ming Siegel, hereby certify that on August 24, 2022, a true and correct copy of the above and foregoing **STIPULATED MOTION TO EXTEND DEADLINE FOR FILING MOTION FOR PRELIMINARY APPROVAL AND STAY OF LITIGATION** was electronically filed with the Clerk of the Court by using the CM/ECF system, which sends notice to the following counsel of record:

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